RFA No. 52 of 2000

27.08.2007 **Present:** Ms. Devyani Sharma, Advocate, for the appellants.

Mr. M.L. Chauhan, Advocate, for the respondent.

CMP (M) No. 609/2007.

This application has been moved by the appellant with the prayer that the legal representatives of deceased claimant- respondent Kumbh Rass be brought on the record of the case. It is submitted that the delay has been caused in moving the application as no intimation under Order 22 Rule 10-A of the Code of Civil Procedure has been given to the appellant.

I have heard learned counsel for the parties and have gone through the application. I am satisfied that the delay which has been caused is bonafide and is not deliberate. In the facts and circumstances of the case, this application is allowed. Legal representatives as named in para 1 of the application are directed to be brought on the record of the case. Amend memo of parties, which has been filed be taken on the record of the case. The application is disposed of.

CMP No. 845 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 846 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement

of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. This application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. This application is disposed of.

CMP No 847 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimant. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimant-respondent. Out of this amount a sum of Rs. 44,929/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank accounts. The balance amount be released in favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. The application is disposed of.

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Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 848 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

August 27, 2007 **(Dev Darshan Sud)**
(cm) **Judge**